

### **REMARKS**

Claims 1-20 are currently pending, wherein claims 9-20 have been withdrawn from consideration and claim 1 has been amended. Applicants respectfully request favorable reconsideration in view of the remarks presented herein below.

At the outset, Applicants note with appreciation the indication that claims 5-7 contain allowable subject matter and would be allowed if rewritten in independent form.

In paragraph 2 of the Action, the Examiner objects to claim 1 as being unclear. Applicants hereby amend claim 1, thereby addressing the Examiner's concerns.

In paragraph 3 of the Action, the Examiner rejects claims 1-3 and 8 under 35 U.S.C. §102(e) as allegedly being anticipated by U. S. Patent No. 6,901,110 to Tsougarakis et al. ("Tsougarakis"). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. §102, the cited reference must teach each and every claimed element. In the present case, claims 1-3 and 8 are not anticipated by Tsougarakis because Tsougarakis fails to disclose each and every claimed element as discussed below.

Independent claim 1 defines a moving object detector. The detector includes, *inter alia*, an effective macroblock identification unit for identifying one or more candidate macroblocks that may be contained in an on-screen moving object as one or more effective macroblocks using an encoding parameter; and a moving object determination unit for determining whether or not each effective macroblock identified by said effective macroblock identification unit is contained in a moving object based on the number of effective macroblocks which are directly adjacent to the effective macroblock or indirectly adjacent to the effective macroblock via one or more other effective macroblocks.

In rejecting claim 1, the Examiner asserts that Tsougarakis discloses a moving object detector as claimed in as much as Tsougarakis discloses a system that includes determining motion vectors for each macroblock and determining whether or not each macroblock contains sufficient information for motion tracking purposes. This assertion is unfounded for the following reasons.

First, nowhere in Tsougarakis is there any disclosure or suggestion of identifying a macroblock as being an effective macroblock using an encoding parameter as recited in claim 1. To the contrary, Tsougarakis discloses identifying macroblocks based on an edge detection component, not an encoding parameter. In the Action, the Examiner appears to assert that the motion vector of Tsougarakis is equivalent to the claimed encoding parameter. However, as noted by the Examiner in paragraph 3 of the Action, Tsougarakis discloses using a threshold process based on an edge component for selecting macroblocks to search, not the motion vector. Therefore, even if the motion vector were equivalent to the claimed encoding parameter, Tsougarakis would still fail to anticipated the present invention as defined by claim 1.

Second, nowhere in Tsougarakis is there any disclosure or suggestion of determining whether or not an effective macroblock is contained in a moving object based on the number of effective macroblocks which are directly or indirectly adjacent to the effective macroblock. Although Tsougarakis may, *arguendo*, check adjacent macroblocks for similar motion, such a check is not equivalent to determining if an effective macroblock is contained in a moving object based on the *number* of effective macroblocks that are adjacent to the effective macroblock in question. Accordingly, independent claim 1 is not anticipated by Tsougarakis because Tsougarakis fails to disclose each and every claimed element.

Claims 2, 3, and 8 dependent from independent claim 1. Therefore, claims 2, 3, and 8 are

patentable over Tsougarakis for at least those reasons presented above with respect to claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-3 and 8 under 35 U.S.C. §102.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle (Reg. No. 46,607) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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